

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-216-FL

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) **OBJECTION TO ADMISSIBILITY**
MOHAMMAD OMAR ALY HASSAN,)
ZIYAD YAGHI,)
Defendants.) **OF GOVERNMENT'S**
) **SUMMARY EXHIBITS**

NOW COME the Defendants, Ziyad Yaghi and Mohammad Omar Aly Hassan, by and through their undersigned attorneys, and respectfully move this Honorable Court to reject the admissibility of the Government's Summary Exhibits. In support of this Objection, the Defendants would show that the Court ordered, at DE 1265, that any issues concerning summary exhibits should be presented by Defendants jointly prior to trial.

The Government presented the Defendants' counsel with preliminary Summary Exhibits on August 15, 2011 and supplemental Summary Exhibits on August 29, 2011. The Summary Exhibits presented consist of several hundred pages, are in numerous formats, are very hard to follow and very hard to understand. A large percentage of the Summary Exhibits are listings of "propaganda" found on various computers. There has been no evidence presented to prove that these items were viewed by the specific individuals, when viewed and if shared. Additionally, the proposed exhibits extend in time to periods after which the Defendants no longer had any contact, if they ever did, with other Co-Defendants. Cautionary instructions will certainly be required as a result of the comingled nature of the exhibits and context related to speech and religion. A hearing is not presently requested but foundation and relevance must be properly established at trial. The

Defendants can only speculate with regard to these matters pending introduction of evidence by the Government.

WHEREFORE, the Defendants do hereby object to the Government's Summary Exhibits.

This the 7th day of September, 2011.

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has personally served a copy of the forgoing Motion Seeking Determination Regarding Admissibility of Summary Exhibits, according to the applicable Civil Procedure Rules of this Court, to wit:

X CM/ECF (U.S. District Courts; U.S. Courts of Appeal)

Date: September 7, 2011

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